

REPORT OF THE OMBUDSMAN

"The sun's o'er-cast with blood; fair day adieu!
Which is the side that I must go withal?
I am with both: each army hath a hand;
And in their rage, I have hold of both,
They whirl asunder and dismember me."

Shakespeare



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CONTENTS

INTRODUCTION

BUSINESS OF THE OFFICE	2
Housing	1
Discipline-Arrest	3
Academic Matters	4
Admissions	6
Financial Problems	6
Health Services	8
Legal Difficulties	8
Student Organizations	9
Community Relations	10
Miscellaneous	11
POWERS OF THE OMBUDSMAN	12
STATISTICS ON "REQUESTS FOR ASSISTANCE"	13



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TO THE UNIVERSITY COMMUNITY:

Moments of high public drama are rare in the life of an Ombudsman. The main business involves patient digging into problems to gain a perspective, discussion with all those involved, and the evolvment of solutions both sides believe just.

We have borrowed an idea which has withstood the test of well over one hundred years in Scandinavia. People who were either perplexed by governmental bureaucracy or unhappy with the treatment received have turned to the Ombudsman for direction and assistance. In addition to investigating and resolving problems he is expected to recommend ways to improve policies and procedures. It is an idea which is rapidly being adopted by American universities.

On our campus the Office of the Ombudsman was established by Chancellor Peltason on recommendation of the Committee on Constructive Action. I was appointed on September 1, 1969, and am reporting on the initial exploratory year.

It has been a cauldron-type year. The severe stresses of this transitional period in higher education guarantee lots of business for all those striving to cope with basic needs of students. The spill-over of problems for which there is no visible solution or immediate channel assures an Ombudsman a full time job.

Students have been remarkably clear in their perception of the purpose of the Office, and have made good use of it. Staff and faculty have been responsive and generously cooperative.

No human scheme functions perfectly- thus the need for such an Office. However, it, too, is a human scheme so that suggestions for its improvement are also in order - - -

Wm. K. Williams, Ombudsman

Summer, 1970

"In the absence of healthy criticism, every organization tends to end up being managed for the benefit of the people who run it. That is why every human institution needs some version of the Ombudsman, some procedure for the hearing and redress of individual grievances against institutions." --John W. Gardner

At the time this report is written we have had over 600 requests for help. Many have been pleas for help in knowing how and where to go to get specific things done. Many have been despairing pleas for justice from those who had already gone and tried. A few have been superficial queries, or clearly unwarranted complaints. The following is an attempt to both report on and interpret those pleas.

HOUSING

Any landlord with 10,315 tenants is going to have problems, as are his tenants. A landlord with young tenants who not only collects the rent but supervises and regulates conduct enters into a permanent Armageddon. The Urbana-Champaign Campus is in that situation.

In a period of transition such as we inhabit there are those who find necessary delays in adjustment intolerable, and others who view with alarm the precipitous rate of change. Our Housing staff must not only deal with all that but also worry about the mortgage, and rising costs which put married students and the less privileged in the community at disadvantage. They have my sympathies, and need yours.

They also need revised regulations, more freedom within which to function, and a clarified set of priorities.

For instance, among those who came to me was a music student who seemed quite mature and had a phenomenal schedule. He was in the Jazz Band and had been on tour twice for the State Department in Europe. He played in an off campus group on weekends, and a University ensemble or two during the week. He taught students in the community. Because of his schedule he missed many meals, and was finding it increasingly difficult to continue his musical interests. He asked for permission to move out of "approved" housing, so that he could sustain his academic pursuits. He was denied, and came to me.

I talked with people in the School of Music to verify his involvements and to confirm that they were important for his development as a musician. Then I recommended that he appeal the decision, and talked with Housing Division staff to share my findings. They approved.

Another student worked odd hours at WGPU, and was due to increase them. It meant trouble for him unless he could find quarters where he could sleep during the day, etc. Again a check with his Department verified the facts, confirmed the academic need, and again an appeal to the Housing staff produced a reversal of an earlier denial.

There were others with similar problems and equally valid reasons.

The problem, from my perspective, was not "a bunch of arbitrary or uninterested bureaucrats" but rather a tight set of regulations which leave little room for individual consideration. It resulted in academic concerns being subordinated to housing regulations the first time around in these cases. It also was a factor, no doubt, in the setting of final exam week as the period for appeal on some notices of violations of housing rules. In addition to that it had a chilling effect on efforts by students to communicate about their housing problems, and their attempts to propose experimental changes.

I was impressed with the number of James Scholars and other high academic performers who came to discuss problems in their housing situations. They are students who have a strong academic orientation and motivation, and they are frequently in trouble. They continue to survive and perform, but only by coping with conditions which often could be eliminated or modified. The Housing Division has entered into some discussions with them which should prove helpful to both.

A continuing element in the conversations in my Office was a desire on the part of students to deal honestly with the University, but a suspicion that we would just as soon they subvert the system through modest deception which we would both know about, at least generally. Could they get a real consideration of their case if put honestly, advancing individual considerations at variance with the general rules? Or should they work up a set of bogus credentials, etc., and seem to conform? "Honesty is still the best policy" is my standard counsel. Making it valid is the responsibility of us all.

Students questioned the manner in which inspections of rooms are held, and past practices do not seem to be in keeping with guidelines adopted by the Faculty Senate in June, 1968. I am continuing an inquiry into this matter.

A student questioned the practice of threatening disciplinary action for those who had overdue fraternity bills. Since we cannot extend the same "courtesy" to all non-university groups, obviously, the practice was reviewed and ended.

A clear pattern of student experience has emerged from our conversations. In the freshman year the dorms are just dandy, for most. In

the second year the enthusiasm begins to wane. In the third a real dissatisfaction is apparent, and in the fourth they become intolerable. Strongly involved in this change of perspective are two important items.

- a. As a student begins work in his major academic area he becomes an increasingly serious student. The light hearted and noisy environment he used to enjoy makes serious study difficult. He begins to want out.
- b. As a young person continues to mature he wants to live an independent life. A structured and monitored environment conflict with this. The more mature he becomes, the more objectionable outside regulation of his personal life becomes. Students move to shabby quarters in the community, eat food they've burnt themselves, and are enthusiastic- because they are free of external control over their personal affairs.

We must become increasingly experimental with our housing facilities, offering real variations in prices and accommodations. Many upperclassmen might be pleased to live in our buildings if the choice to do so was theirs, not ours, and the only regulations were similar to those of a downtown apartment building. Without some experimentation and change the dissatisfactions are sure to increase, as will the sense of alienation.

DISCIPLINE-ARREST PROBLEMS

One of the most difficult facets of the current period on the campuses is, "What do you do with those who violate regulations or laws?" Like others we have seen the inadequacy of a disciplinary system devised in other days for different type situations. Not only do the numbers involved in protest situations overwhelm it, but the difference in maturity and perspective of students call it into question.

After long and thoughtful consideration a whole new approach was recommended to the Faculty Senate this year, and underwent lengthy debate. Meanwhile there was turbulence, and a national convulsion of protest in the Spring. How to cope with that remains a large and unanswered problem. Universities will remain the stage for student protests on national and local issues, and somehow we must find a way of retaining both the student and the stage. We must also find a new way of dealing with infractions of law and University regulations which all can respect and support.

Legal charges are not always the best answer. Sometimes it seems to me that becomes apparent only after

reflection and investigation. These situations become an aggravant, not only within the University community but between the University and the legal offices involved. I have previously recommended development of a procedure for reporting and evaluating violations which would not only be more deliberate but also coordinated with the disciplinary system.

A student who is poor and hungry steals food. He is a high academic performer, with a good chance of getting admitted to Harvard Law School. Another student who has ample money steals a book. Both can be legally charged with theft, but the potential cost for one is greatly beyond that of the other. Some consultation with those who know the student involved might shed light on how the violation might be handled to get maximum positive results. Anti-social behavior cannot be excused, but neither should it be dealt with arbitrarily, or unilaterally.

I am accumulating examples of both good and bad experiences in this vein, to more clearly present my concerns and recommendations. This is a thorny and complex area, and promises to continue as such.

Meanwhile I applaud the move of the University to the use of the "Notice to Appear" in minor law violations, and the increased training for members of the Police Department. Most University Policemen serve us well, and deserve adequate preparation for their job.

ACADEMIC MATTERS

A large segment of the requests for help fell in this category, and represent a broad range of problems. Most were in the "academic advising" area, and were resolved by getting the student involved with the right faculty or staff person. Some inquiries resulted in my requesting a review of a decision, at times supplying information which the person making a judgment did not have initially. Some were changed, and some were not. All were honestly reviewed.

There were complaints against two faculty members who inquired into whether students were taking their course on a "Pass-Fail" basis, in violation of the rules. Both complaints were valid. One was pursued through the Department Head, and the other I contacted directly. Both were rueful, and promised to do right in the future. There was a complaint against another faculty member for failure to meet the class regularly. The Department Head threatened dismissal if repeated. There were complaints about grades- which were referred to the Capricious Grading Committees

where they exist. There was a broadside complaint against an entire Department- much of which turned out to be valid. There were three charges of prejudicial handling of applications for graduate school, all of which were carefully investigated and found to be not true. There was a question about the validity of a research project, and another about the downward adjustment of a graduate fellowship. A degree was held up over a dispute about who lost a book- the student or the library. (Not being bright enough to find any other solution, in the end I sent a personal check to cover it. That is a solution I do not intend to frequently apply!)

Five students are progressing toward their degrees who had come a cropper and were about to be eliminated. A second chance was granted by their departments after we had dug into their cases and brought to light additional considerations which warranted a change in an earlier decision. In no case was this an effort to pacify me, or to do a "favor" for the student. Rather, each was a complicated and unique situation which required some untangling, and a searching second look. Each case stood on its own merits in the full light of day in the end- as should be the case.

In my brochure I invite students to come in and try out their "con" on me, and a few have accepted the invitation. One involved a complaint about a faculty member, and my findings were protective of him. Another questioned the action of a committee, and my investigation sustained their findings.

Such matters are, of course, difficult to assess. Conclusions can only be reached after careful search after the facts. On another complaint about a Graduate School application the preliminary facts began to paint a picture of serious wrong doing on a high level. Further inquiry sketched in missing pieces and the final result was a very different story indeed. What might have become a tragic public controversy was resolved without any controversy at all. In that case the student was among the most relieved, having been deeply shaken by the initial appearances.

Thus it has been a year of mixed findings- some have verified the complaints of students, and corrections have been made without jeopardizing the students themselves; some have revealed unwarranted accusations, so that faculty and staff have benefitted from my inquiry; still others have shown that appearances can be very misleading.

It is my hope that the involvement of this Office has buttressed both students and faculty in their honest efforts, and been a deterrent to those who are either lax or arbitrary in their assignments.

ADMISSIONS

One of the most cheerful and responsive directions I've had to go was toward Mr. Warwick and his establishment. Several times I raised questions about procedures which were hoary with age, and in each case they were seriously reviewed. Individual problems got individual attention, and solutions were occasionally so immediate as to leave one speechless.

There were questions about who is a "resident" that were complicated. One lad who had lived in Illinois for years, and graduated from a suburban Chicago high school, had his parents move to Florida when he left them to come to us. That made him a resident of Florida, too, under current rules. Due to the facts that his parents had been supporting the University of Illinois with their taxes for years, and that he would not be eligible to attend a Florida institution without having lived there, this seemed unfair. I recommended a "year of grace" for such cases, and Mr. Warwick is pursuing that idea. In another case, after accumulation of much evidence and discussion a decision was reached. Not long afterward the student was back saying, "Woe is me, all is undone!" A check into the problem brought to light a hitch in communication and the matter was again laid to rest.

There was a claim that transfer students were put at a disadvantage by the difference in application dates for them and entering freshmen. It was said the frosh got a running start of several months to nail down housing, etc., and it seemed unfair. Some checking verified that it could happen to some extent. Happily the people in Financial Aids were aware of the situation and took care to reserve a segment of their money to care for transfers, so there is no apparent inequity there. The appropriate committee is still working on the other considerations.

In establishing this Office it was hoped that through it we would discover chronic points of aggravation and be able to help evolve changes accordingly. That hope is being fulfilled, as those things distilled in my Office are shared with the people in charge of the machinery. Most often it is a case of my bringing the problem and their finding an answer. I try to impress on those who come to me that it works that way, and that appreciation for helpful answers should go to those who worked it out.

FINANCIAL PROBLEMS

Students, like other people, run out of money, have emergencies, etc., which plunge them into financial dilemmas. Those problems seem likely to increase with the diminishing financial resources available and the rising costs of everything.

In an early problem a mother of two, struggling to equip herself to better support them, was sinking and needed help. Ed Sanford not only was able to assist her through regular University channels, but called a local office to inquire about the level of support possible through a public assistance program.

Later a student came in to pessimistically talk about more than one hundred dollars worth of parking tickets which his sister, a non student, had accumulated and for which he was tagged. He really believed we were going to continue to hold him responsible, primarily because we had him but didn't know where his sister was. Some inquiry into the matter resulted in our Police Department verifying that the tickets were in fact his sister's responsibility, and they cleared the student's account.

There were, though, questions about some of our procedures. We had an arbitrary, and apparently illegal, practice in the manner in which Guaranteed Loans were processed, taking "ours" off the top. That's a proper procedure with University money, but not money from other sources. We don't do it anymore, except when it is proper.

A fellow gets behind in payment on a University loan, doesn't have any money, and therefore doesn't respond to Mr. Sanden's overtures. It gets worse, and he comes to see me, instead. We talk about what you do in those situations, and how important it is not to give the impression you just don't care. I call Mr. Sanden and tell him what I've been hearing from the student. The student goes on over so they can dicker. I keep remembering that it's hell to be poor and to owe money, and how hard it is to look someone in the eye and say, "I just ain't got it."

A fellow owes us \$7.50, and he doesn't have it either. He's got some money coming to him from scholarship funds for the second semester, but can't get to it unless he ponies up the seven fifty. The machinery grinds to a halt and stands there, iron palm out. We work it out, then ask the question, "Can we have a low cut-off point so that all that doesn't happen over amounts under, say, \$25 ???". Sid Stafford says he thinks that's not a bad idea, and goes to see what the machine says.

Students with so little money they can't afford a bank account wonder if we could cash their under fifty dollar pay checks in the Union without charge? Sounds reasonable, and I go asking. I find out it will call for over a million dollars back-up money, and some additional security measures that are not simple, or cheap. I say, "O shucks," and go away thinking that it's hell to be poor, etc.

HEALTH SERVICES

The year began with a lot of confusion about that extra \$8 fee, which I learned was not an insurance item but a fee to cover emergency room costs.

Then there were a couple of girl-type students who went to McKinley to talk about medical problems and felt frustrated because the doctor seemed to want to talk primarily about ethical and moral problems.

There were two occasions on which questions were raised about the possibility of medical records being made available to the Office of Investigations.

And there were questions about coverage of student insurance, and procedures for making use of it.

All such matters have initially been discussed with Dr. Hursh, the Head of Health Services, and then, usually, with the physician involved. He has taken all inquiries seriously. We both investigated the questions about the security of medical records, and learned that the Office of Investigations had obtained their information from other sources. (No, I did not simply take their word for it- in fact, never asked them.)

The number of complaints in this area have been quite small. If that is because efforts to improve the services are effective Dr. Hursh deserves some thanks. If it is because people just haven't bothered to talk about problems he impresses me as a guy who has an open ear.

There was an interest in establishing a "drug rescue" unit, to provide assistance to students who have tangled with more than they can handle, but who may not need medical attention. I encouraged the students to discuss it with the head of our Health Services, the Assistant Dean of Students who also works on such problems, and GSA-UGSA. Such efforts, which neither condemn nor condone, have proved useful elsewhere, and it seems hopeful something may be established soon. It will hopefully, be a community resource, not simply a University oriented operation.

LEGAL DIFFICULTIES

A recurring need for legal counseling is evident. There are disputes with landlords, property damage, etc., and students frequently need clarification on what their responsibilities and alternatives are, especially in those matters which call for guidance rather than legal representation.

In one instance a foreign student began receiving a barrage of intimidating mail demanding payment on a contract for magazines. It was very frightening to her, and she hadn't the money to either employ an attorney or pay off the contract. Through investigation we discovered that her name had been forged, apparently by a traveling salesman, and exposed the fraud. She was assisted, as students periodically are, by a member of the law faculty. Eventually the company was persuaded, and the flow of mail ceased. A word of caution to other students was passed on to the staff in Student Services, and they spread it around.

The Fraternities have retained an attorney for assistance to their members, and their experience may be helpful to others. Interest in such possibilities are evident in the Dean of Students Office, the Law School, and Student Government.

STUDENT ORGANIZATIONS

When it was announced that I was to be the new Ombudsman I received a visit from the head of the Graduate Student Association. They were preparing a complaint service for their members and wanted to confer. They wanted my new Office to be successful, and were anxious not to compete, duplicate, or otherwise complicate my life. They also were anxious to make their own Association as meaningful as possible for their members.

My response was:

- students need all the help they can get.
- anyone who can do anything ought to do it.
- what they might learn through their effort could be helpful to me.
- the more cooperation and consulting the better.

They, and the Undergraduate Student Association, did proceed with the effort. About midyear I began receiving complaints they received for which there was no recognized channel, or on which there had been no response. It has enlarged the opportunities for us both to meet the needs of students, and is a welcome arrangement.

A second opportunity for cooperation came through the efforts to present the case for student membership in the Campus Senate. As the debate progressed I helped get people together, worked with the new Vice Chancellor for Campus Affairs to increase communication, and did an informational mailing to the members of the Senate. My aim was to assist in

clarification of the issues, without endorsing any single solution. Students needed to be both heard and understood. They also needed to listen and understand. Given the opportunity for both I was confident that eventual decisions would be constructive.

I continue to regard it as a high priority item to relate well to the Graduate and Undergraduate Student Associations. They are basic resources to the University Community, as the elected leadership of the two constituencies. I shall do all I can to maintain a relationship of mutual respect and cooperation.

Other student organizations have come for various kinds of help during the year. The "March on Hunger" asked for suggestions and assistance in getting organized. The Men's Residence Hall Association came to discuss problems and program ideas. The Daily Illini staff came to talk about the relationship of my Office to the press. The Fencing Club had problems with space- which we couldn't resolve satisfactorily, but hope to do so with IM Building facilities. The Anthropology Club came to discuss problems and communication needs. A Black student group needed help with transportation for a project.

The Dean of Students announced a determination to "drive the Ombudsman to a quiet eight hour day", and his staff have worked hard to accomplish it. I wish him, and them, every success!

COMMUNITY RELATIONS

Because this is an experimental first year, and because there is an inevitable tendency to continue with momentum already built up, I have found myself helping those from the community find the right path in the campus structure to work at their own objectives.

A summer program for Black people by Black people had agricultural, arts and crafts components which University people and resources could help. An attempt in developing Black businesses and businessmen is being aided by the College of Commerce. My own involvement has been quite small, as it should be. The real "business" in each case is being done with people who are and have resources themselves.

The unmet recreation needs of the community continue to spill over onto the campus, especially with young Black people. As the Dean of Students and Housing Division sought ways to constructively respond I shared what perspective I had from my previous assignment as a special consultant for President Henry on minority group problems.

After the major demonstrations in May students arranged a series of public discussions to bring together local and university people. At their request I moderated two of those.

There have been attempts to provide staffing for community relations purposes, and it seems likely there will be such provision for the next year. To the extent that it falls on the shoulders of the Dean of Students I may find myself pushed toward that mythical "quiet eight hour day" he threatens me with. Combined with the emerging role of the Vice Chancellor for Campus Affairs they may leave nothing for me in this area, except services as a volunteer.

MISCELLANEOUS

Since over one-fourth of the requests for help were given this label we shall need to scrutinize them to see if some better classification can be made. However, since the business of this office includes those problems for which other people have no channel we probably will continue to have a fairly large number under this label. Some comments about them are in order, though.

Availability of information. It is not at all unusual for people to come to me seeking information about the University and its operations. Those who come here because they are not certain where to find what it is they want can usually be directed to the right source, though we usually make some contact for them to assist and to be sure. It is not unusual, however, for people to recount a tale of having tried to obtain information and failed. This includes information which is public in nature and easily available, but which people at times seem reluctant to share. Such reluctance is often interpreted to mean that there must be something which someone doesn't want to be seen- that there is something wrong, and being covered up. Thus a problem begins to build where there really should be none.

Students who get information about how the University functions, and why things are done the way they are, often come to have some appreciation for administrative problems and processes, especially if their inquiries are welcomed. This is particularly true when the questions are new to the student but old for the staff. To be courteous and kind when hard pressed to get other things done is no easy thing. However, helping students to understand the University is an important increment in the educational process, and one which enlarges the supportive group in the alumni. We need friends who trust us, and it begins with placing some trust in them.

Information which is complicated or expensive to produce is another matter. Most of what students want to know is not like that.

There were complaints that the bus service was erratic, there were no bike parking facilities where some were needed, there were holes where there shouldn't be, puddles likewise, and curiosity about why we kept digging up the area around the Quad. At one point I told the Chancellor those kinds of questions were requiring that I learn more about the campus than anybody really wanted to know, but I continue to welcome all queries.

POWERS OF THE OMBUDSMAN

In adapting the Ombudsman concept to the campuses there is need for a period of experimental refinement to be certain about the most productive approach. We have begun with the essentials of the government experience, and expect experience to lead us toward increasing effectiveness.

1. After consulting with students, faculty, and staff the Chancellor appointed me, and I act on his authority. However, I am housed separately and do not participate in the administrative processes of his office. This arrangement has provided a high level of recognition and support while at the same time preserving necessary independence and separation of function. The Chancellor has taken care to make it an honest and honorable relationship.
2. I have access to the people and the records of the campus, except medical records.
3. I may inquire in matters on my own initiative, as well as those brought to my attention by others.
4. I may make public my findings or recommendations, and have done so several times this past year.
5. I am to issue an annual report, summarizing the work of the Office, and hope during the coming year to produce occasional papers on areas of special need.

Neither governmental nor university ombudsmen have the power to reverse administrative decisions unilaterally. No man has the wisdom such power would require for its meaningful use, especially in large and highly complex institutions. Their power is in the above essentials, the ability to present persuasively their facts and perceptions, and the compelling nature of the needs they encounter.

I have found it a meaningful venture. Generally I have been accorded the same respect with which I have approached others, and the only stalemates have been due to irrefutable conditions, not people. I may not always be able to say that- but so far it is true.

STATISTICS ON "REQUESTS FOR ASSISTANCE"

Number of Requests for Assistance

September, 1969	48
October	61
November	53
December	31
January, 1970	97
February	91
March	52
April	120
May	<u>61</u>
	<u>614</u>

Types of Requests

Admissions	30
Academic Advising	76
Community Relations	18
Disciplinary	12
Employment	22
Faculty Complaints	13
Financial Problems	37
Grade Dispute	20
Health Services	20
Housing	89
Legal Problems	28
Registration	4
Student Organizations	38
Miscellaneous	199
Unidentified	<u>8</u>
	<u>614</u>

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